

TIGARD MUNICIPAL CODE

Chapter 11.08 BURGLARY AND ROBBERY ALARM SYSTEMS.

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11.08.010 Purpose And Scope.

1. The purpose of this chapter is to protect the emergency services of the City from misuse.

2. This chapter governs burglary and robbery alarm systems, requires permits, establishes fees, provides for revocation of permits, and provides for punishment of violations. (Ord. 82-32 §2, 1982).

11.08.020 Definitions.

1. "Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing,

repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

2. "Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond.

3. "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility in which an alarm system is maintained.

4. "Automatic dialing device" means a device which is connected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

5. "Burglary alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system, inclusive of silent and audible alarm systems.

6. "Coordinator" means the individual designated by the Chief of Police to manage and enforce the provisions of this chapter.

7. "Dispatch center" is the County facility used to receive emergency and general information from the public.

8. "False alarm" means an alarm signal eliciting a response by police when a situation requiring a response by the police does not in fact exist. It does not include an alarm signal caused by violent conditions or nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator

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or alarm user.

9. "Governmental political unit" means any tax-supported public agency.

10. "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

11. "Primary trunk line" means a telephone line serving the dispatch center that is designated to receive emergency calls.

12. "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery. (Ord. 03-12, Ord. 87-73 §2, 1987; Ord. 82-32 §3, 1982).

11.08.030 Alarm User Permits Required.

Every alarm user shall obtain an alarm user permit for each system from the Alarm Coordinator from the effective date of the ordinance codified in this chapter or prior to use of an alarm system. Users of systems having both robbery and burglary alarm capabilities shall obtain separate permits for each function. Application for a burglary, robbery, or combination burglary-robbery alarm user's permit and a fee shall be filed with the Alarm Coordinator each year. The fee shall be set by resolution of the City Council. Each permit shall bear the signature of the Chief of Police, and be for a one-year period. The permit shall be kept physically upon the premises using the alarm system, and shall be available for inspection by the Chief of Police or his representative. (Ord. 03-12, Ord. 02-05, Ord. 01-21, Ord. 82-32 §4(a), 1982).

11.08.050 Senior Citizens' Exemption.

If a residential alarm user is over the age of sixty and/or is physically handicapped and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the Alarm Coordinator's office according to Section 11.08.030 without the payment of a fee. (Ord. 01-21, Ord. 82-32 §4(c), 1982).

11.08.060 Fee For Failure To Obtain Or Renew Permit.

A fee will be charged in addition to the fee provided in Section 11.08.030 to a user who fails to obtain a permit within sixty days after the effective date of the ordinance codified in this chapter or who is more than sixty days delinquent in renewing a permit. The fee shall be set by resolution of the City Council. (Ord. 02-05, Ord. 82-32 §4 (d), 1982).

11.08.080 Exemption For Governmental Political Unit.

An alarm user which is a governmental political unit shall be subject to this chapter but a permit shall be issued without payment of the fee and shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein. (Ord. 82-32 §4(f), 1982).

11.08.090 Emergency Notification Resources Person.

The alarm permittee shall provide the police department with a current updated emergency notification resources person at all times. (Ord. 82-32 §4(g), 1982).

11.08.100 User Instructions.

1. Every alarm business selling, leasing or furnishing to any user an alarm system which is

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installed on premises located in the City shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

2. Standard form instructions shall be submitted by every alarm business to the Chief of Police within sixty days after the effective date of the ordinance codified in this chapter. If he finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with subsection 11.08.100.1 of this section and then to distribute the revised instructions to its alarm users. (Ord. 82-32 §5, 1982).

11.08.110 Automatic Dialing Device-- Certain Interconnections Prohibited.

1. It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any 911 prefix requiring a police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve hours of receipt of written notice from the Tigard City Police Department that it is so programmed.

2. Within sixty days after the effective date of the ordinance codified in this chapter, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.

3. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve hours of receipt of written notice from the Tigard police department that an automatic dialing device is so programmed. (Ord. 82-32 §6, 1982).

11.08.121 Response To Alarms.

1. Whenever an alarm is activated in the City thereby requiring an emergency response to the location by the police department and the department does respond, the police personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

2. If the police department personnel at the scene of the activated alarm system determine the alarm to be false, said personnel shall make a report of the false alarm.

3. The Chief of Police or his designee shall have the right to inspect any alarm system on the premises to which response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter. (Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.123 Excessive False Alarms And Fee Assessment.

1. If any alarm system produces two false alarms in any permit year, the Chief of Police shall provide by certified mail written notice of the fact asking the alarm user to take corrective action in regard to false alarms and informing the alarm user of the false alarm fee schedule. The fees shall be set by resolution of the City Council.

2. Alarm users installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed nonfalse alarms. The grace period shall cease thirty days after installation of or modification to an alarm system.

3. Upon any alarm system producing the third false alarm in a permit year, a fee per false

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alarm shall be charged to the alarm user. Subsequent false alarms shall be assessed an increasing fee that shall be set by resolution of the City Council.

All fees assessed must be paid to the City Finance Division or a written appeal must be submitted to the Chief of Police within ten working days of fee assessment. (Ord. 03-12, Ord. 02-05, Ord. 01-21, Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.124 No Response To Excessive Alarms.

1. After the second false alarm the coordinator shall send a notification to the alarm user by regular mail which will contain the following information:

a. That the second false alarm has occurred;

b. That if two more false alarms occur within the permit year police officers will not respond to any subsequent alarms without the reinstatement of the alarm user by the Chief of Police;

c. That the reinstatement of the alarm user can only be obtained by the alarm user furnishing written proof of efforts taken to correct the false alarms, a finding by the Chief that a reasonable effort has been made to correct the false alarms, and payment of all fines assessed by the City for false alarms;

d. That the alarm user may appeal the validity of a false alarm determination to the Chief of Police by giving written notice and posting a bond equal to the amount of the fee, if applicable, within ten days, according to Section 11.08.125.

2. After the fourth false alarm within the permit year there will be no police response to

subsequent alarms without reinstatement approval of the alarm user by the Chief. The coordinator shall send a notice of suspension of police response to:

- a. The dispatch center;
- b. The Chief of Police; and
- c. The alarm user by certified mail.

3. The suspension of police response to an alarm shall begin ten days after the date of delivery of the notice of suspension of police response to the alarm user unless a written request for hearing has been made as required in Section 11.08.125. (Ord. 01-21, Ord. 93-13 §1, 1993).

11.08.125 Appeal Of False Alarm.

1. Any alarm user who has been notified of a false alarm or assessed a false alarm fee may appeal to the Chief of Police by giving written notice and posting a bond equal to the amount of the fee, if applicable, within three working days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a time certain shall be set for a hearing.

2. The appellant shall be given reasonable notice of such hearing, failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond, and application of said bond toward the false alarm fee assessed by the City.

3. The Chief of Police or his designee shall serve as Hearings Officer. The burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm as defined in Section 11.08.020.8.

4. After receipt of all relevant evidence, the Hearings Officer shall, within three working

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days, render a decision. If the Hearings Officer determines that the appellant has met the burden of proof, then the Hearings Officer shall order the appeal bond released to the appellant and rescind the false alarm determination. If the Hearings Officer determines that the appellant has not met the burden of proof, then the Hearings Officer shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the City and enter such alarm as a false alarm.

5. All decisions made pursuant to this section are final. (Ord. 87-73 §3(Exhibit A(part)), 1987).

11.08.130 Confidentiality--Statistics.

All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of this chapter. The police department shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this chapter.. (Ord. 01-21, Ord. 82-32 §8, 1982).

11.08.140 Allocation Of Revenues.

All fees, fines and forfeitures of bail collected pursuant to this chapter shall be general fund revenue of the City of Tigard. (Ord. 82-32 §9, 1982).

11.08.150 Enforcement And Penalties.

1. Violation of this chapter shall be punished upon conviction by a fine of not more than five hundred dollars.

2. The failure or omission to comply with any section of this chapter shall be deemed a violation and may be so prosecuted, subject to the penalty provided in subsection 11.08.150.1 of this

section. (Ord. 82-32 §10, 1982). ■